HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 5145 OF 2006

DATED: 17.03.2006

Between:

S. Subramanyam

… Petitioner

and

The Assistant Commissioner of

Endowments, Chittoor and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 5145 OF 2006

ORAL ORDER:

The writ petition is filed on an apprehension.

According to the petitioner, the State Government in G.O.Ms.No.1272, Revenue (Endowments-I) Department, dated 27.6.2005 exempted all Section 6 © temples in the State from the purview of Section 144 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). As a consequence of such exemption, the petitioner claims that he being the Archaka of Sri Neelakhanteswara Swamy and Pundeswara Swamy temples, Gunthaembodi village, Ramasamudram Mandal, Chittoor District, is entitled to a share of the usufruct of the lands endowed to the Deity, as per ancient custom and usage and the abolition of such hereditary entitlement (by the provisions of the Act) is eclipsed on account of the order in G.O.Ms.No.1272.

The petitioner apprehends that by the end of March 2006, the respondents would auction the leasehold rights of the lands of the Devasthanams and deprive the petitioner of his share of the usufruct. As on date, neither has an auction notice has been issued nor any formal order passed by the respondents, notifying auction of the leasehold rights of the temple lands. What the petitioner has is a mere apprehension at this moment. The petitioner's grievance is therefore moot and does not call for judicial interference.

The writ petition is premature and is accordingly dismissed. The petitioner is however at liberty to pursue appropriate remedies as and when an identifiable grievance emerges. No order as to costs.

GODA RAGHURAM, J

Date: 17.03.2006

cvm